

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 182

AN ORDINANCE ADOPTING THE AMENDED PROJECT AREA PLAN, AS APPROVED BY THE BOARD OF DIRECTORS OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE CANYON CENTRE COMMUNITY DEVELOPMENT PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE

**WHEREAS**, the Board of Directors of the Community Development and Renewal Agency (the “Agency”) of the city of Cottonwood Heights (the “City”) heretofore prepared a Project Area Plan (the “*Project Area Plan*”) for the Canyon Centre Community Development Project Area (the “*Project Area*”); and

**WHEREAS**, on 8 February 2011, the Agency held a public hearing and took public comment concerning the Project Area Plan, as required by UTAH CODE ANN. 17C-4-102; and

**WHEREAS**, on 8 March 2011, the Agency adopted the Project Area Plan as the official community development plan for the Project Area pursuant to its Resolution No. 2011-01; and

**WHEREAS**, Utah’s Limited Purpose Local Government Entities - Community Development and Renewal Agencies act (Title 17C, Chapters 1 through 4, UTAH CODE ANNOTATED (1953 as amended) (together with any subsequent, replacement or amended law or act, called herein the “*Act*”) requires that, before a community development project area plan approved by an agency under section 17C-4-102 of the Act may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency, in accordance with section 17C-4-105 of the Act; and

**WHEREAS**, section 17C-4-106 of the Act also requires that notice be given by the community legislative body upon its adoption of a community development project area plan; and

**WHEREAS**, the City’s legislative body (the “*Council*”) met in regular session on 8 March 2011 and, pursuant to its Ordinance No. 170, adopted the Project Area Plan as the official community development plan for the Project Area, and directed the City’s staff and consultants to publish or cause to be published the required notice; and

**WHEREAS**, thereafter, certain landowners requested removal of their realty from the Project Area; and

**WHEREAS**, consequently, the Board met on 27 September 2011 and, pursuant to its Resolution No. 2011-03, modified the boundaries of the Project Area to remove the subject realty, adopted an amended Project Area Plan (the “*Amended Project Area Plan*”), and specified the Agency’s purposes and intent for the modified Project Area, all as contemplated by UTAH CODE ANN. 17C-4-108 and other provisions of the Act; and

**WHEREAS**, based on the Board's approval of the Amended Project Area Plan, the Council met in regular session on 27 September 2011 to consider, among other things, adopting and approving the Amended Project Area Plan as the official community development plan for the Project Area, as modified, and directing the City's staff and consultants to publish or cause to be published the required notice; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so act;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Amended Project Area Plan.** The Amended Project Area Plan, as approved by the Agency pursuant to its Resolution No. 2011-03, is hereby adopted and designated as the official community development plan (the "*Official Plan*") for the Project Area. The legal description of the Project Area, as modified, is annexed hereto as Exhibit "A", and a copy of the Official Plan, as amended, is annexed hereto as Exhibit "B."

Section 2. **Notice.** City staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by section 17C-4-106(1) of the Act, whereupon the Official Plan shall become effective pursuant to 17C-4-106(2) of the Act.

Section 3. **Pursuit of Plan.** Pursuant to section 17C-4-106(4) of the Act, the Agency may proceed to carry out the Official Plan as soon as it becomes effective.

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 182 (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 5. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.


Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date.** This Ordinance, assigned no. 182, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 27<sup>th</sup> day of September 2011.

**COTTONWOOD HEIGHTS CITY COUNCIL**



By   
Kelvyn H. Cullimore, Jr., Mayor

  
Linda W. Dunlavy, Recorder

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 27<sup>th</sup> day of September 2011.

**POSTED** this 28 day of September 2011.

EXHIBIT "A"

PROJECT AREA LEGAL DESCRIPTION

(Attach Legal Description)



## LEGAL DESCRIPTION:

THE FOLLOWING DESCRIBED REAL PROPERTY IS LOCATED IN SALT LAKE COUNTY, UTAH:

BEGINNING ON THE EAST LINE OF RACQUET CLUB DRIVE AT A POINT SOUTH  $89^{\circ}59'07''$  EAST ALONG THE QUARTER SECTION LINE 1199.11 FEET AND NORTH 109.58 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN (AS SURVEYED SECTION TIE - BEGINNING ON THE EAST LINE OF RACQUET CLUB DRIVE AT A POINT EAST 1198.53 FEET AND NORTH 108.09 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BASIS OF BEARING BEING SOUTH  $00^{\circ}03'19''$  EAST - 2672.45 FEET BETWEEN THE WEST QUARTER CORNER AND THE SOUTHWEST CORNER OF SAID SECTION 25) AND RUNNING THENCE NORTH ALONG SAID EAST LINE 490.42 FEET; THENCE NORTH  $57^{\circ}34'49''$  EAST 210.68 FEET; THENCE SOUTH  $87^{\circ}44'40''$  EAST 406.36 FEET TO THE WEST LINE OF WASATCH BOULEVARD; THENCE ALONG THE WEST LINE OF WASATCH BOULEVARD FOR TWO (2) COURSES AS FOLLOWS; ALONG THE ARC OF A 1482.69 FOOT RADIUS CURVE TO THE LEFT 136.953 FEET (THE CHORD BEARS SOUTH  $8^{\circ}53'50''$  EAST 136.904 FEET); THENCE SOUTH  $11^{\circ}31'30''$  EAST 596.71 FEET TO THE NORTH LINE OF THE CANYON RACQUET CLUB CONDOMINIUMS; THENCE ALONG THE NORTH LINE OF SAID CANYON RACQUET CLUB CONDOMINIUMS FOUR (4) COURSES AS FOLLOWS: SOUTH  $86^{\circ}30'$  WEST 251.63 FEET; THENCE SOUTH  $70^{\circ}30'$  WEST 142.96 FEET; THENCE SOUTH  $47^{\circ}30'$  WEST 90.00 FEET; THENCE NORTH  $86^{\circ}00'$  WEST 46.20 FEET; THENCE NORTH  $35^{\circ}00'$  WEST 82.40 FEET; THENCE NORTH  $34^{\circ}16'39''$  WEST 102.62 FEET; THENCE NORTH  $20^{\circ}20'26''$  WEST 107.65 FEET; THENCE WEST 83.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 474,587 SQ.FT. OR 10.895 ACRES MORE OR LESS

RIGHT OF WAY EASEMENT

TOGETHER WITH A PERPETUAL EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS AND FOR PUBLIC AND PRIVATE UTILITIES AND FOR THE CONSTRUCTION, OPERATION AND CONTINUED MAINTENANCE AND REPAIR OF A ROADWAY ON, IN, OVER, ACROSS, THROUGH, OR UNDER THE SURFACE OF A STRIP OF LAND DESCRIBED IN MESNE DOCUMENTS OF RECORD AND MORE PARTICULARLY DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED DATED AUGUST 7, 1978 BY AND BETWEEN VICTOR S. MERRILL AND MARIAN Y. MERRILL, HIS WIFE, AND MOUNTAIN FOUR, LTD., A UTAH LIMITED PARTNERSHIP, AS GRANTORS AND G.H. BAGLEY, INC., A UTAH CORPORATION, AS GRANTEE, RECORDED AUGUST 11, 1978 AS ENTRY NO: 3151481 IN BOOK 4721 AT PAGE 165 OF SALT LAKE COUNTY RECORDERS OFFICE; WHICH EASEMENT AND RIGHT OF WAY SHALL BE FOR THE BENEFIT OF AND APPURTENANT TO AND SHALL PASS WITH TITLE TO THE TRACT OF LAND DESCRIBED ABOVE WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE CANYON RACQUET CLUB PROPERTY.

PROPERTY ADDRESS: 3700 EAST 7000 SOUTH, COTTONWOOD HEIGHTS, UTAH 84121

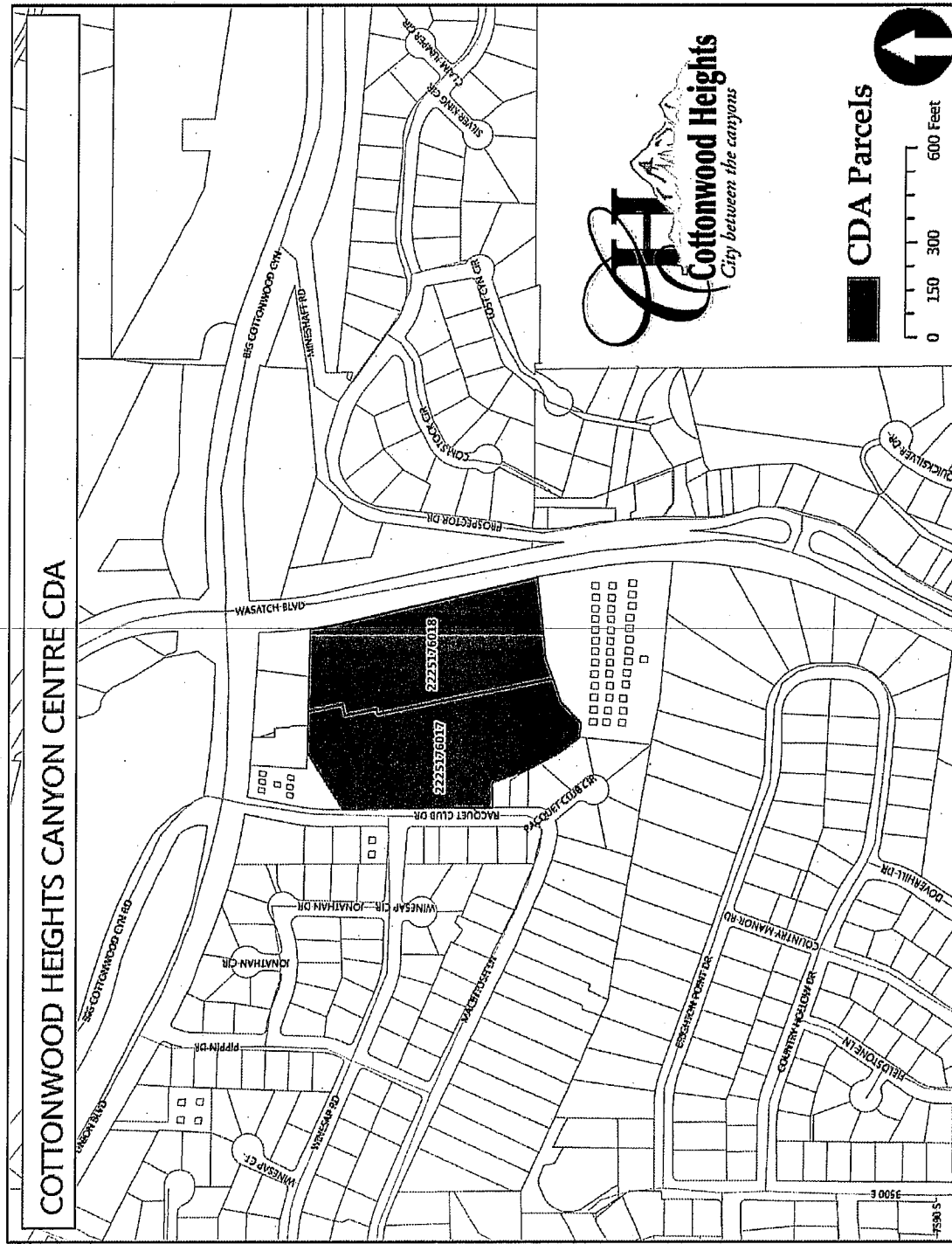
PARCEL #22-25-176-018 (PARCEL 1) AND PARCEL #22-25-176-017 (PARCEL 2)

SEPTEMBER 6, 2011

PREPARED BY: LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



APPENDIX A: MAP, SITE PLAN AND LEGAL DESCRIPTION



SEPTEMBER 6, 2011

PREPARED BY: LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.